

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

April 24, 1947  
10:40 A.M.

Council Chamber, City Hall

The meeting was called to order, with Mayor Miller presiding.

## Roll call

Present : Councilmen Bartholomew, Glass, Mayor Miller, Councilman  
Thornberry - 4

Absent : Councilman Wolf - 1

Present also: Gulton Morgan, City Manager; J. E. Motheral, Director  
of Public Works; and R. D. Thorp, Chief of Police

The reading of the Minutes was dispensed with.

Ed Knebel, President of the Baseball Club, and Committee came before  
the Council and extended an invitation to the City Council and the City  
Manager to be the guests of said Club at the opening game at the new baseball  
park on the Butler tract on Saturday night. The Mayor then congratulated  
Mr. Knebel on his successful efforts in financing and taking over the Club.

Councilman Glass offered the following resolution and moved its adoption;

## (RESOLUTION)

WHEREAS, on April 20, 1947, Taxicab Permit No. 46 was cancelled; and

WHEREAS, O. E. Wheeler, holder of Taxicab Permit No. 128, has requested in writing that said Permit No. 128 be cancelled, and that, in lieu thereof, he be issued Permit No. 46; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the request of the said O. E. Wheeler be granted; and the Tax Assessor and Collector be, and he is hereby, authorized and directed to make such change on his records accordingly.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman Thornberry - 4

Noes : None

Absent: Councilman Wolf

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, in Book 3, page 55, of the Plat Records of Travis County, Texas, there appears a map or plat of a subdivision of land known as The Highlands, a subdivision of a portion of the James P. Wallace Survey within the City of Austin, Travis County, Texas; and

WHEREAS, upon said map or plat there appear various streets and alleys, one of which alleys herein referred to is 20 feet in width and traverses Block 27 of said subdivision, and being the alley one-half block east of and parallel to Martin Avenue and extending from East 53rd Street northerly to the west right-of-way line of the H&TC Railroad; and

WHEREAS, all of the property owners abutting said alley have requested the City Council of the City of Austin to close the above described alley; and

WHEREAS, said request has been reviewed and considered by the City Council of the City of Austin; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT that certain alley from East 53rd Street northerly to the west right-of-way line of the H&TC Railroad be, and the same is hereby, closed and vacated, except the City of Austin hereby retains the right to construct, maintain, operate, and control all public utilities in, upon, and across said alley.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman Thornberry

Noes : None

Absent: Councilman Wolf

Councilman Thornberry introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN ON MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING ARTICLE III, SECTION 12(b) AND ARTICLE IV,

SECTION 22(e) AND SECTION 23(d), RELATING RESPECTIVELY TO STOP SIGN, ONE HOUR PARKING, AND LOADING ZONE LOCATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Thornberry moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman Thornberry

Noes : None

Absent: Councilman Wolf

The ordinance was then read the second time and Councilman Thornberry moved that the rule be suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman Thornberry

Noes : None

Absent: Councilman Wolf

The ordinance was then read the third time and Councilman Bartholomew moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman Thornberry

Noes : None

Absent: Councilman Wolf

Thereupon Mayor Miller declared that the ordinance had been finally passed.

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be, and the same is hereby, permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in WAYSIDE DRIVE, from West 9th Street northerly 170 feet, the centerline of which gas main shall be 7.5 feet west of, and parallel to, the east property line of said Wayside Drive.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(2) A gas main in ZENNIA STREET, from a point 141 feet west of Guadalupe Street westerly 82 feet, the centerline of which gas

main shall be 7.5 feet south of, and parallel to, the north property line of said Zennia Street.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(3) A gas main in OLTORF STREET, from Forest Avenue westerly 688 feet, the centerline of which gas main shall be 13.5 feet south of, and parallel to, the north property line of said Oltorf Street.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(4) A gas main in PERDNALES STREET, from East 6th Street northerly 127 feet, the centerline of which gas main shall be 7.5 feet west of, and parallel to, the east property line of said Perdenales Street.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(5) A gas main in MEREDITH STREET, across Rockmoor Avenue intersection, the centerline of which gas main shall be 7.5 feet south of, and parallel to, the north property line of said Meredith Street.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(6) A gas main in STEVENSON AVENUE, across Rockmoor Avenue intersection, the centerline of which gas main shall be 7.5 feet south of, and parallel to, the north property line of said Stevenson Avenue.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(7) A gas main in VISTA LANE, across Indian Trail intersection, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Vista Lane.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(8) A gas main in SOUTH LAMAR BOULEVARD, from Butler Road southerly 91 feet, the centerline of which gas main shall be 13 feet west of, and parallel to, the east property line of said South Lamar Boulevard.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear

from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

And that whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman Thornberry .

Noes : None

Absent: Councilman Wolf

W. L. Bradfield, Chairman, and other members of the Citizens Advisory Committee, came before the Council and submitted the following recommendations in writing:

"Austin, Texas  
April 22, 1947

Honorable Mayor and City Council  
City of Austin  
Austin, Texas

Gentlemen:

The Citizens Tax Advisory Committee begs leave to make the following recommendations on matters having an important bearing on the success of the Revaluation Program.

I. As to Selection of Members of the Board of Equalization:

In addition to having the qualifications set out in the City Charter, Board of Equalization members should be widely and favorably known to the citizenship of Austin for integrity, civic-mindedness, and freedom from bias or prejudice. Collectively, they should be qualified to sit in judgment on all matters pertaining to the evaluation of (1) personal property; (2) buildings; and (3) lands.

Specifically, the committee recommends that the City Council so select the membership of the Board of Equalization that the Board shall consist of the following:

1. One member who shall be peculiarly fitted to pass on matters pertaining to merchants inventories, machinery, equipment, and other items of business and professional personal property.
2. One member who shall be peculiarly qualified to pass on all matters pertaining to construction, construction costs, and construction values.
3. One member who shall be peculiarly qualified to pass on all matters pertaining to the evaluation of lands, both improved and unimproved.

The committee further recommends that such appointment as is in order be made at the first practicable date, in order that the appointee may further qualify himself through following the present re-appraisal program through its various phases.

As to compensation of Board of Equalization members, the committee regards the present maximum figure set by City Charter as ridiculously inadequate. The committee believes either that the Board should be asked to serve without pay as a civic service, or that provision should be made to compensate them to a degree commensurate with the extreme importance of the service rendered.

II. As to Uniform Procedure in the Matter of Tax Protests, Hearings, and Adjustments:

The committee is herewith submitting for the study and approval of the City Council a proposed amendment to City Ordinance which will, in the judgment of the committee, effect the following results:

1. Provide a uniform procedure for tax hearings.
2. Greatly shorten the period of tax hearings.
3. Enable quick and equitable adjustment of errors.
4. Safeguard the interests both of city and citizens.

III. As to Present Members of Board of Equalization:

It should be emphasized that this report intends no criticism of the present personnel of the Board of Equalization. On the contrary, the committee recognizes the fact that these men have served the city long and unselfishly under great handicaps. If available for further service, they should each be considered along with other citizens in line with the recommendations herein made.

Respectfully submitted,

Citizens Tax Advisory Committee

(Sgd) W. L. Bradfield, Chairman.

## Members:

(Sgd) E. J. St. John  
" L. Theo. Bellmont  
" A. H. Osburn  
" H. W. Sauer  
" H. B. Dunagan, Jr  
" Ted Wendlandt  
" T. E. Wiley  
" J. F. Johnson  
" North Millican  
" E. Niggli  
" Jno. C. Ross

L. T. Bellmont, Chairman of the Personal Property Subcommittee of the Citizens Tax Advisory Committee, praised the work of his committee, declaring that he had never served on a committee where the members were so competent and hardworking; and that the committee was unalterably opposed to any juggling of figures as they believed all citizens would be satisfied if they knew that the assessments were equitable to all.

After hearing the committee, it was the sense of the City Council that the recommendations of said committee as submitted be approved in general, but that the matter be taken under consideration by the City Council for study and discussion with the City Manager, the City Attorney, and the Tax Assessor and Collector before any action on same is taken.

Pursuant to published notice thereof, the public hearing on the application of Ulysses S. Oglesby, Nora Oglesby, and John M. Davis to amend the Zoning Ordinance in the following particular :

To amend the USE designation of the following described property so as to change the same from "B" Residence District to "C" Commercial District to wit:

The west one-half (1/2) of Lot 22, Block 57, Original City of Austin, and being known as 306 East 18th Street, in the City of Austin, Travis County, Texas,

was duly opened.

Mr. and Mrs. Ulysses Oglesby appeared and plead for the change on the ground that they contemplated selling the property to John M. Davis for use as a plumbing repair and supply shop.

A large number of property owners, with Percy V. Pennybacker as spokesman, appeared and protested the change on the grounds that it would decrease the value of the residential property without increasing its value as business property; and that there is plenty of space for the proposed business in nearby areas already zoned for business. The spokesman also presented a petition signed by 31 property owners, protesting the change.

No other property owner or interested citizen desiring to be heard, Councilman Thornberry moved that the hearing be closed and that the action of the Board of Adjustment be sustained and the change be denied. The motion

carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman  
Thornberry

Noes : None

Absent: Councilman Wolf

The public hearing on the application of D. C. Bradford to amend the Zoning Ordinance in the following particular :

To amend the USE designation of the following described property so as to change the same from "C" Commercial District to "C-1" Commercial District, to wit:

A tract of land fronting 200 feet on Lamar Boulevard and bounded on the north by property of Joe C. Powell, on the east by Fredericksburg Road, on the south by property of R. B. Oakley and on the west by Lamar Boulevard, in the City of Austin, Travis County, Texas,

was postponed at the request of the applicant, D. C. Bradford.

The application of H. G. Linscomb for a change in zoning of the property located on the north and south sides of Lyons Street between Gunter and Ramsey Streets, from "A" Residence to "D" Industrial, was received. Councilman Thornberry moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman  
Thornberry

Noes : None

Absent: Councilman Wolf

Councilman Thornberry moved that the request of W. E. Thompson for a public hearing on his application for a change in zoning of Lot 30, N.A. Ladd Addition, located on the south side of Capitol Court and west of the Dallas Highway, from "A" Residence District to "C-1" Commercial District, be granted; and that a public hearing on the matter be called for Thursday, May 15, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen  
Thornberry

Noes : None

Absent: Councilman Wolf

Councilman Thornberry moved that a public hearing on the application of Bradfield & Brush for a change in zoning, from "A" Residence District and First Height and Area District, to "B" Residence District and Second Height and Area District, of about  $3\frac{1}{2}$  acres of land, triangular in shape, bounded on the north by West 19th Street, on the south by Shoal Creek Boulevard, and on the east by a subdivision to be known as "Vance Park", be called for Thursday, May 15, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen  
Thornberry

Noes : None

Absent: Councilman Wolf



The application of JOHN MAYFIELD, Colored, 1709 East 12th Street, for a license to operate as a taxicab a 2-door Chevrolet, 1939 Model, Motor No. 2155304, State License No. JB-1658, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman  
Thornberry

Noes : None

Absent: Councilman Wolf

The application of HERBERT FENDERGRASS, Colored, 1201 East 11th Street, for a license to operate as a taxicab a Plymouth, 1940 Model, Motor No. 1448143, State License No. JB-7749, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman  
Thornberry

Noes : None

Absent: Councilman Wolf

The application of JOHN A. ALEXANDER, Colored, 1181½ Comal Street, for a license to operate as a taxicab a 4-door DeSota Sedan, 1938 Model, Motor No. 5-16839, State License No. JA-7820, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman  
Thornberry

Noes : None

Absent: Councilman Wolf

The application of TITUS E. ALEXANDER, Colored, 1201 East 11th Street, for a license to operate as a taxicab a 2-door Ford Sedan, 1941 Model, Motor No. A-6785, State License No. JC-2031, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman  
Thornberry

Noes : None

Absent: Councilman Wolf

The application of FELIX MALCOM HARDIN, Colored, 1201 East 11th Street, for a license to operate as a taxicab a 1940 Model Ford, Motor No. 185780728, State License No. --- duly approved by the City Manager, was submitted. Councilman Thornberry moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman  
Thornberry

Noes : None

Absent: Councilman Wolf

The application of EMORY LEROY MUNSON, 1412 Alameda Drive, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman  
Thornberry

Noes : None

Absent: Councilman Wolf

The application of BILLY RIED DANIEL, 72 Navasota Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman  
Thornberry

Noes : None

Absent: Councilman Wolf

The application of RAYMOND DELANCEY, 1110 South 5th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman  
Thornberry

Noes : None

Absent: Councilman Wolf

The application of GEORGE A. BYRNE, 2717 Manor Road, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman  
Thornberry

Noes : None

Absent: Councilman Wolf

The application of M. J. HUMSEY, 305 West Monroe Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman  
Thornberry

Noes : None

Absent: Councilman Wolf

The application of HOWARD SCOTT, 1909 Wichita Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman  
Thornberry

Noes : None

Absent: Councilman Wolf

The application of ELMER JACKSON, Colored, 1206 East 13th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman  
Thornberry

Noes : None

Absent: Councilman Wolf

The application of JOHN A. ALEXANDER, Colored, 1181½ Comal Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted.

Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman  
Thornberry

Noes : None

Absent: Councilman Wolf

The application of FELIX MALCOM HARDIN, Colored, 2000 East 16th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman  
Thornberry

Noes : None

Absent: Councilman Wolf

The appeal of TRAVIS CLYDE MILSTEAD, 908 South 2nd Street, on his application for a taxicab driver's permit, recommended for denial by the Chief of Police, was heard. After considering same, Councilman Thornberry moved that the permit be denied. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman  
Thornberry

Noes : None

Absent: Councilman Wolf

The application of Mrs. Goodall H. Wooten for change in zoning of the property in the 600 block of West 6th Street, north side, from "C" Commercial District to "C-2" Commercial District, so that she may lease the property at 612 West 6th Street for a liquor store, was received. Councilman Glass moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman  
Thornberry

Noes : None

Absent: Councilman Wolf

The application of Pas and Rosa Villegas and Bernardino L. Herminia C. Salazar for a change in zoning of the property located at the southwest corner of Springdale Road and Prado Street was received. Councilman Glass moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman  
Thornberry

Noes : None

Absent: Councilman Wolf

City Manager Morgan submitted the following bids received for an audit of the City's books for the year 1947:

Howard T. Cox & Co. - \$2,000.00

Wade, Barton & Marsh - 1,700.00

Councilman Bartholomew moved that the contract be awarded to Wade, Barton & Marsh in accordance with their bid. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman Thornberry

Noes : None

Absent: Councilman Wolf

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on August 21, 1941, a tax certificate was issued by the Tax Department of the City of Austin stating that there were no unpaid taxes on Lot S-1 (40'x75'), O.L. 61, Division "B", unplatted, in the City of Austin, assessed in the name of Luther Woods, excepting for the year 1940; and

WHEREAS, it now appears that taxes are unpaid on said property for the years 1928 through 1937 in the sum of \$18.54, plus penalty and interest; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the Tax Assessor and Collector be ordered, and he is hereby ordered, to remove from the tax rolls of the City of Austin said taxes for the years 1928 through 1937 in the sum of \$18.54.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman Thornberry

Noes : None

Absent: Councilman Wolf

City Manager Morgan submitted a request in writing from the Exchange Club of Austin, by S. M. Apperson, President, asking that the area formerly used as a riding ring in Zilker Park be dedicated as a Model Airfield and named "Archie Alley Model Plane Airfield" in memory of an Austin young man who lost his life in World War II in the air service; and further asking that if said request is granted, that the formal dedication date be May 18. Councilman Thornberry moved that the request be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman Thornberry

Noes : None

Absent: Councilman Wolf

Upon motion, seconded and carried, the meeting was then recessed, subject to call of the Mayor.

Approved: Tom Miller

MAYOR

Attest:

Lillian M. Allen

CITY CLERK